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Attorneys for Post-Effective Date USA Capital Diversified Trust Deed Fund, LLC

UNITED STATES BANKRUPTCY COURT

DISTRICT OF NEVADA

In re:

USA COMMERCIAL MORTGAGE
COMPANY,

USA CAPITAL REALTY ADVISORS, LLC,

USA CAPITAL DIVERSIFIED TRUST DEED
FUND, LLC,

USA CAPITAL FIRST TRUST DEED FUND,
LLC,

USA SECURITIES, LLC,

Debtors.

Affects:

☐ All Debtors

☒ USA Commercial Mortgage Company

☐ USA Capital Realty Advisors, LLC

☒ USA Capital Diversified Trust Deed
Fund, LLC

☐ USA Capital First Trust Deed Fund, LLC

☐ USA Securities, LLC

Case No. BK-S-06-10725-LBR
Case No. BK-S-06-10726-LBR
Case No. BK-S-06-10727-LBR
Case No. BK-S-06-10728-LBR
Case No. BK-S-06-10729-LBR

CHAPTER 11

Jointly Administered Under
Case No. BK-S-06-10725 LBR

NOTICE OF HEARING; OBJECTION OF USACM TRUST TO ELIAS FAMILY TRUST DTD 5/19/04 CLAIM FILED IN WRONG DEBTOR'S CASE; OBJECTION OF DTDF TO PROPOSED ALLOWANCE OF CLAIM

Hearing Date: October 15, 2007
Hearing Time: 9:30 a.m.

NOTICE OF OBJECTION TO CLAIM

THE USACM LIQUIDATING TRUST AND USA CAPITAL DIVERSIFIED TRUST DEED FUND, LLC ARE OBJECTING TO THE CLAIMS THAT YOU FILED. UNLESS THE RESPONSE DEADLINE IS ADVANCED BY THE COURT, THE DEADLINE TO RESPOND TO THE OBJECTION IS OCTOBER 5, 2007. PLEASE DO NOT CONTACT THE CLERK OF THE BANKRUPTCY COURT TO DISCUSS THE MERITS OF YOUR CLAIM. QUESTIONS REGARDING THE AMOUNT OF A CLAIM OR THE FILING OF A CLAIM SHOULD BE DIRECTED TO THE UNDERSIGNED COUNSEL.

NOTICE IS HEREBY GIVEN that the USACM Liquidating Trust, by and through its counsel, has filed an Objection to your claim filed in USA Commercial Mortgage Company, Case No. 06-10725 on the ground that the claim is based upon an equity interest in USA Capital Diversified Trust Deed Fund, LLC ("DTDF") Case No. 06-10727. DTDF, by and through its counsel, further objects to any proposed allowance of your claim against the DTDF estate because your equity interest in DTDF has already been deemed allowed. A copy of the Objection is provided to you with this notice.

The Objection requests that the Court enter an order disallowing all or part of your claim as to USACM and DTDF. If the Court grants the requested relief, it will not affect your existing equity interest in the DTDF estate to the extent you hold an equity interest in DTDF.

NOTICE IS FURTHER GIVEN that, unless the hearing date is advanced by the Court, the hearing on the Objection will be held before the Honorable Linda B. Riegler, United States Bankruptcy Judge, in the Foley Federal Building, 300 Las Vegas Boulevard South, Courtroom 1, Las Vegas, Nevada, on **OCTOBER 15, 2007** at the hour of **9:30 a.m.** **THE HEARING WILL BE HELD FOR THE PURPOSE OF STATUS CHECKS AND SCHEDULING EVIDENTIARY HEARINGS ONLY. NO**

1 **ARGUMENTS WILL BE HEARD ON THAT DATE. HOWEVER, IF THERE IS**
2 **NO RESPONSE TO THE OBJECTION, THE COURT MAY GRANT THE**
3 **RELIEF REQUESTED IN THE OBJECTION AND DISALLOW THE CLAIMS**
4 **FILED AGAINST USACM AND THE DTDF.**

5 **NOTICE IS FURTHER GIVEN** that, unless the response deadline is advanced by
6 the Court, any response to the Objection must be filed by October 5, 2007 pursuant to
7 Local Rule 3007(b), which states:

8 If an objection to a claim is opposed, a written response must be filed and
9 served on the objecting party at least 5 business days before the scheduled
10 hearing. A response is deemed sufficient if it states that written
11 documentation in support of the proof of claim has already been provided to
the objecting party and that the documentation will be provided at any
evidentiary hearing or trial on the matter.

12 If you object to the relief requested, you *must* file a **WRITTEN** response to
13 this pleading with the Court. You *must* also serve your written response on
the person who sent you this notice.

14 If you do not file a written response with the Court, or if you do not serve
15 your written response on the person who sent you this notice, then:

- 16 • The Court may *refuse to allow you to speak* at the scheduled hearing;
and
- 17 • The Court may *rule against you* without formally calling the matter at
18 the hearing.

Dated: September 14, 2007.

SNELL & WILMER, LLP

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Copy of the foregoing
Mailed this 14th day of
September, 2007 to:

Elias Family Trust Dtd 5/19/04
c/o Donna M. Elias Successor Trustee
9900 Wilbur May Parkway, Apt. 502
Reno, NV 89521-4014

By /s/ Patricia M. Kois
Patricia M. Kois, Lewis and Roca LLP